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South Carolina House of Representatives

# Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

Vol. 6

May 30, 1989

No. 21

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JUN 29 1989

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Printed by the Legislative Council

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**Bills Ratified This Session**

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*Here is a list of those bills ratified or signed into law this session as of printing time Monday, May 29. The bills are listed under broad categories to make them easier to find. Not all the bills that have been ratified are on this list. Only the most significant bills, or bills receiving public or media attention, are listed here.*

*A number of significant bills, likely to pass this session, were still pending before the General Assembly Monday at printing time. A separate list of these bills and their May 29 status is featured elsewhere in the Legislative Update.*

**Insurance**

**Auto Insurance Freeze**

*S.3, signed into law February 15, 1989.*

This joint resolution prohibits insurance companies from filing with the State Insurance Commission for automobile insurance rate increases until after July 1. The resolution allows companies to decrease rates, however.

**S.C. Health Insurance Pool**

*H.3216, ratified May 25, 1989.*

This legislation creates a nonprofit entity known as the South Carolina Health Insurance Pool, offering major medical coverage for those eligible state residents. All insurers who issue health insurance in South Carolina could be members of this pool. The pool's insurer will be selected by the board through a competitive bidding process.

Any person who has been a resident of the state for six months and his newborn child is eligible for pool coverage if he can provide evidence that during the past six months: He has been refused health insurance for health reasons; has been refused health insurance except with a reduction or exclusion of coverage for a preexisting condition existing for 12 months; has been refused health insurance except at a rate higher than 150 percent of the pool rate.

Groups not eligible for pool coverage include inmates, people eligible for a public health program, such as Medicaid; people diagnosed with AIDS. The pool's benefits are capped at \$250,000 for each person insured.

The bill also amends the current law relating to employees whose group coverage is terminated.

#### Commingleing of Health and Dental Reserve Funds

*H.3388, ratified May 25, 1989.*

This legislation authorizes the retirement division of the state Budget and Control Board to transfer not more than \$8 million from the dental insurance account to the health insurance account, if necessary. Once the transfer is made no further transfers may be made without authorization from the General Assembly. If the Legislature is not in session, the Budget and Control Board may make the authorization.

#### **Worker's Compensation**

##### Worker's Compensation Tax Reduction

*H.3195, signed into law May 22, 1989.*

This legislation will reduce the amount of worker's compensation tax insurers pay. Currently, the tax on worker's compensation premiums is 4.5 percent. Under this legislation, this tax will be reduced to 3.5 percent of the premiums collected during the 1990-91 fiscal year, and to 2.5 percent during the 1991-92 fiscal year and thereafter. The tax also is lowered for those who are self-insured.

Worker's Compensation Death Benefits

*H.3657, signed into law April 24, 1989.*

This legislation will raise worker's compensation for the death of an employee from a minimum of \$25 per week to a minimum of \$75 per week.

Worker's Compensation Insolvency Fund

*H.3447, signed into law April 24, 1989.*

The State Worker's Compensation Insolvency Fund will be administered by the director of the Second Injury Fund rather than the director of the Worker's Compensation Fund with enactment of this legislation. The bill also empowers the director of the Second Injury Fund to establish procedures for collecting funds from legally obligated employers.

Industry and Commerce

Rural Electric Co-ops

*H.3398, signed into law May 10, 1989.*

This bill proposes several changes in connection with the voting procedures of electric cooperatives. Proxy voting still would be permitted, but a cooperative member may not act as proxy to more than three other members. The legislation also outlines how a member of the cooperative's trustee board may be removed from office, and how a successor may be elected. This provision does not apply to a cooperative in which a majority of the members are other cooperatives.

In addition, the bill also details how a cooperative can be dissolved. This process would include a two-thirds vote by the trustee board recommending dissolution, and a special members meeting called solely for a vote on the dissolution. Voting must be by written or machine ballot. Absentee ballots would be obtained under certain conditions outlined in the bill.

Voting at the special meeting would be held from 7 a.m. to 7 p.m. on the meeting day. A two-thirds vote by the members of the cooperative would be required for dissolution.

S.C. Fair Housing Law

*S.4, signed into law May 9, 1989*

This lengthy legislation provides, within constitutional limitations, for fair housing throughout the state. The act makes it unlawful to discriminate on the basis of race, color, sex, religion, handicap, familial status or national origin when renting or selling housing. This would include advertising, which could not indicate a limitation or preference as to whom the property is available. Discrimination also is prohibited in connection with multiple listing services or other real estate organizations; in insurance of property; and in the making of loans.

Religious organizations or private clubs are not be prohibited from limiting or giving preference to their own members when providing lodging owned by the organization or club.

The bill contains a number of provisions that ensure equal access to the handicapped in multifamily dwellings, and better housing opportunities for the elderly.

The State Human Affairs Commission will administer this law and investigate complaints.

Environment

Scenic Rivers Acts of 1989

*H.3353, signed into law May 22, 1989*

The bill creates the South Carolina Scenic Rivers Acts of 1989 to provide for the protection of selected rivers and river segments unique for their scenic, recreational, geologic, botanical, fish, wildlife, historic or cultural value.

The state Water Resources Commission is authorized to oversee the program, beginning with an inventory of all the state's rivers, identifying rivers or river segments with unique characteristics.

The bill outlines the process the Water Resources Commission must follow when designating a river or river segment as falling under this proposed act. Under this process, which would include public hearings and a local advisory board, the state would purchase land adjacent to the rivers designated as scenic, or have the property donated. If the land is donated, the landowner would be eligible for a state income tax deduction. Any land donated under this act would revert to the owner if it ceases to be used for the purpose it was donated.

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The bill also creates the Scenic Rivers Trust Fund, administered by the commission, to acquire fee simple or lesser interest in land adjacent to scenic rivers or river segments. Gifts or donations, state or federal funds may be placed in this fund.

The bill also outlines the way the rivers may be managed by the commission.

**Judicial and Law Enforcement**

**Ratification of the 25th Amendment**

*S.328, ratified May 4, 1989.*

With this joint resolution, South Carolina has ratified the U.S. constitutional amendment regarding presidential succession. The amendment was proposed in 1965 by the Congress to provide for procedures for the Vice President to assume the office of President should the President die, resign, or be removed. The amendment also provides for the Vice President to assume the highest office should the President be unable to discharge his duties. It further outlines procedures for the Congress to follow to decide the issue should there be a conflict between the Vice President and the President over the Vice President's assumption of the executive role. The amendment also provides that the President may appoint, with congressional confirmation, a Vice President should a vacancy occur.

This amendment was ratified by two-thirds of the states in 1967. Ratification of this amendment by South Carolina is a legislative housekeeping measure.

**Terms of Family Court Judges**

*H.3261, signed into law March 12, 1989.*

This legislation increases the terms of family court judges from four to six years.

### Law Enforcement Training Council

*H.3041, signed into law April 26, 1989.*

This legislation changes the makeup of the Law Enforcement Training Council and adds some specific requirements to the training of law enforcement officers hired in South Carolina.

This act changes the makeup of the state Law Enforcement Training Council to include the dean of the USC College of Criminal Justice instead of the USC law school dean, who currently serves on the council.

Under this legislation, a law officer who has been hired but not certified as trained by the Council would not have powers of "control or direction over the public" or the authority to arrest people, until the successful completion of a firearms course. All law enforcement officers must be certified by the Training Council within a year of their hiring date.

Exceptions to the one year certification rule would be military leave, being unable to complete training because of physical reasons, or proof that the officer has completed equivalent training acceptable to the Training Council. Certification is valid for three years.

All law officers would have to supply evidence of a high school degree or its equivalent and of their physical fitness; proof that the officer has not been convicted of a criminal act with a sentence of more than a year or a crime of moral turpitude; pass a background check including fingerprinting, and a birth certificate.

This legislation also increases the surcharge going to the Training Council from fines.

### Bootleg Records and Tapes

*H.3693, signed into law May 22, 1989.*

This bill updates the current laws prohibiting the counterfeiting of records and tapes for commercial advantage or private gain. The bill expands the definition to include new mediums such as discs, video tapes or any other medium to be developed to record images or sound. The counterfeiting laws are amended to include rentals. The bill substantially increases penalties for violations, with punishments covering advertising, rental and distribution of counterfeit items.

## Education

### School Segregation

*S.354, signed into law March 31, 1989.*

This bill repeals the state statute still on the books prohibiting the integration of public schools.

## Health

### Anabolic Steroids

*S.281, ratified May 25, 1989*

This legislation makes it unprofessional for a practitioner to prescribe, dispense or administer anabolic steroids in order to build up muscle mass if there is no medical necessity or simply for the reason of improving performance in a sport or game. The act also sets up a series of misdemeanors and felonies for possession or distribution of anabolic steroids.

Possession of a minor amount -- 10 or fewer tablets -- without a valid prescription would be punishable by 30 days in jail or a \$200 fine for first offense; 6 months or \$1,000 for second offense. Possession of more than 10 but fewer than 100 tablets would be punishable by 6 months in jail and/or a \$1,000 fine. Second offense would result in one year in jail and/or a \$2,000 fine.

Under this act, it is a felony to prescribe, deliver, dispense or administer anabolic steroids except in the course of professional medical practice. It also is a felony to deliver steroids for unprescribed use. Possession of more than 100 but less than 1,000 tablets (or four or more 2cc bottles of anabolic steroid liquid) would constitute "intent to distribute," which would be a felony.

In these cases, first offense would be punishable by five years in jail and/or a \$5,000 fine. Second offense would bring a 10 year sentence and/or a fine of no more than \$10,000. Possession of 1,000 or more tablets, or 500ml or more of anabolic steroids, would constitute trafficking, punishable by up to 10 years in jail and/or a \$10,000 fine. No part of the sentence could be suspended or subject to probation.



Medicaid Nursing Home Beds

*S.573, signed into law May 22, 1989.*

With a waiting list of over 600 Medicaid patients, this act authorizes DHEC to construct an additional 1,500 Medicaid certified nursing home beds through the Certificate of Need program. The act also authorizes funds to be provided to pay for the care given to the additional Medicaid patients when these new beds are constructed and certified.

Because the additional nursing home beds will not be available for patient care during the 1989-90 fiscal year, the State Health and Human Services Finance Commission is authorized to contract with nursing homes in Georgia and North Carolina to provide care for South Carolina Medicaid patients. However, before a patient could be admitted to a Georgia or North Carolina nursing home, this action must be approved by the Community Long Term Care program.

The act requires the State Health and Human Services Finance Commission to expand the hospital "swing bed" program to the maximum extent allowed by federal law. "Small rural hospitals" also are authorized to convert a portion of their licensed hospital beds to Medicaid-certified nursing home beds.

Handicapped Infants and Toddlers

*S.521, ratified May 25, 1989.*

Under this bill, a 15-member State Interagency Coordinating Council is created to advise DHEC on developing and administering a comprehensive system of early intervention for handicapped infants and preschoolers. Children with these conditions will be sought out by DHEC and a plan devised for early intervention in order to minimize developmental delays caused by the handicapping conditions. This intervention would include assessment and assistance with physical, emotional, speech and language or other problems. The aim of the bill is to ultimately decrease the need for institutionalizing these children and the need for special education in the public schools.

**Bills Likely to Pass This Session**

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*The following are bills likely to pass this session. Many of them are in conference committee or are close to getting third reading by both houses. Because of the changeable nature of these bills, no summary is given. The status noted here is as of printing time Monday, May 29.*

**Budget Bills**

*H.3600, 3602, 3601, 3622, 3573 in conference committee.*

**Automobile Insurance Reform Act**

*H.3695, in conference committee.*

**Infectious Waste Regulation**

*S.267, in conference committee.*

**Local Option Sales Tax**

*H.3739, passed the House April 27, 1989.  
Second reading in the Senate May 25, 1989. Ordered to a third reading with general amendments. Set for special order.*

**Out-of-State Hazardous Waste**

*H.3326, passed by the House February 17, 1989.  
Amended and read a second time in the Senate May 26, 1989,  
Third reading May 29, 1989.*

**School Flexibility/Target 2000 School Reform Act**

*S.321, amended and passed by the House May 25, 1989.  
Amended by the Senate and returned to the House May 29, 1989.*

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### Bingo Regulations

*H.3052, passed the House February 22, 1989.  
Second reading by the Senate May 24, 1989. Ordered to a third reading with general amendments.*

### Sentencing Guidelines

*H.3704, passed the House April 27, 1989.  
Second reading in Senate May 15, 1989. Ordered to a third reading.*

### Lemon Law

*S.503, passed the Senate April 18, 1989.  
Passed the House May 30, 1989.  
Enrolled for ratification.*

### Government Furniture

*S.93, in conference committee.*

### Fee in Lieu of Taxes Revised

*H.3459, passed by the House May 3, 1989.  
Ordered to a third reading with general amendments in Senate May 25, 1989.*

### Modernization of Legislative Article

*H.3879, passed the House April 26, 1989.  
Second reading in the Senate May 25, 1989. Amended by the Senate May 26, 1989. Debate interrupted.*

## **Bills Passed by the House**

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*Here is a list of important bills passed by the House this session. The Senate status of each bill also is listed.*

### **State-Run Primaries**

*H.3088, passed the House May 29, 1989.*

This bill would authorize the State Election Commission to conduct primary elections instead of political parties. Municipal elections would be excluded. Political parties could continue to conduct presidential preference primaries at their own expense.

### **Obscene Bumper Stickers**

*H.3053, passed the House May 10, 1989.*

*Referred to the Senate Transportation Committee.*

This bill would make it a misdemeanor to operate a motor vehicle which has affixed to it a sticker, decal or emblem containing obscene or indecent words. Indecent is defined as "taken as a whole, it describes, in a patently offensive way, as determined by contemporary community standards, sexual acts, excretory functions, or parts of the human body; and, taken as a whole, it lacks serious literary, artistic, political or scientific value." Violators of this will be guilty of a misdemeanor and fined up to \$200.

### **School Children and Real Estate Ownership**

*H.3419, passed by the House April 19, 1989.*

*Referred to Senate Education Committee.*

This bill would eliminate the provision in state law that allows a student to attend school in a district where he owns real estate but does not reside. If enacted, the legislation would allow such students to complete the school year before being required to attend public school in his residence district. If the student is to graduate within two school years, he may remain in his current district until he graduates under this bill.

### Parental Consent for Abortion

*H.3122, passed the House May 22, 1989.  
Referred to Senate Medical Affairs Committee.*

This bill would define the requirements that must be followed before an abortion could be performed on a minor. The major point of this legislation is to require parental consent before a minor under 17-years-old can obtain an abortion. The consent must be written and signed by one parent, or the legal guardian, and the minor daughter involved. In divorce cases, written permission is needed only from the parent with custody. The minor may also petition the circuit or family court for consent, known as judicial by-pass. The only exception to these consent requirements is in cases of incest, medical emergency or when the minor is unconscious as a result of battery. In cases of incest, doctors must report the crime to law enforcement within 24 hours. The House rejected rape as an exception to parental consent.

### Airline Hub Facilities

*H.3554, passed the House May 17, 1989.  
Referred to Senate Finance Committee.*

This bill provides for state bonds to be issued as matching funds to help in construction of an airline hub terminal in the state. No more than \$50 million in state bonds could be issued. The personal property of any airline using this terminal would be exempt from state property tax for ten years. An airline hub facility can accommodate at least 20 commercial airline departing flights a day on which the general public can fly 7 days a week, 52 weeks a year.

### "Zero-Based" Budget Review

*H.3358, passed by the House May 3, 1989.  
Referred to Senate Finance Committee.*

This bill would requires that 24 state agencies undergo a zero-based budget analysis every eight years. This review would be conducted by the subcommittees of the House Ways and Means and Senate Finance committees. During these hearings, each of the 24 agencies would have to justify all of its recurring expenses for the current fiscal year and any additional funding requested. The subcommittees would then make recommendations on increasing or decreasing agency funding to the full House Ways and Means and Senate Finance committees.

The 24 agencies included in the bill are the departments of Education; Mental Health; Mental Retardation; Corrections; Youth Services; Probation, Parole and Pardon; Social Services; Vocational Rehabilitation; Health and Environmental Control; Parks, Recreation and Tourism; Wildlife and Marine Resources; the University of South Carolina; the Medical University of South Carolina; Clemson; State TEC Board; Health and Human Services Finance Commission; Alcohol and Drug Abuse; Forestry Commission; Tax Commission; ETV; State Development Board; SLED; the Attorney General's Office, and the Highway Department.

#### Bond Bill from Even to Odd Years

*H.3792, passed the House May 11, 1989.  
Referred to Senate Finance Committee.*

The State Bond Bill would be authorized in odd-numbered, instead of even-numbered, years beginning in 1991, under this bill.

#### Nuclear Waste Consultation Committee

*H.3124, passed by the House February 9, 1989.  
Senate General Committee reported out favorably April 4, 1989.*

This House resolution would allow the nine-member state Nuclear Waste Consultation Committee to select its own chairman. Currently, the governor or his designee serves as committee chairman. This proposed provision would go into effect if the governor declines the chairmanship.

#### Rural Airport Emergency/Economic Development Fund

*H.3604, passed the House March 9, 1989.  
Referred to Senate Finance Committee.*

This bill establishes the Rural Airport Emergency/Economic Development Fund. The fund would be administered by the State Aeronautics Commission upon the recommendation of the Joint Bond Review Committee and the state Budget and Control Board.

The fund would be used for emergency construction of a public airport or landing strip to either maintain an existing facility or promote economic development. The commission would accept or reject a request for emergency construction from an airport, landing strip, state agency or political subdivision. If the request is accepted, the commission would determine the level of funding and forward its recommendation to the Joint Bond Review Committee, which would in turn make a recommendation to the Budget and Control Board for a final decision. Only airport capacity expansion, safety enhancement or navigational improvements could be recommended.

Child Support Enforcement

*H.3699, passed the House May 25, 1989.*

*Placed on the Senate calendar without reference.*

This lengthy bill would conform state child support laws to the 1988 Family Support Act, enacted by Congress. Without enactment of these changes, the state would be subject to between \$1 million to \$5 million in AFDC sanctions. The bill provides that:

1. Child Support Guidelines developed by the Department of Social Services in 1987 must be used to establish child support awards as a rebuttable presumption. That is, the Family Court may depart from using these guidelines if their application would be inequitable or unjust to the parties or child involved. Presently, the Family Court may use these guidelines in determining child support awards. The state must implement this change by Oct. 1. The House amended this section to require approval of the guidelines by the General Assembly.
2. Genetic testing would be made mandatory in contested paternity cases when one of the parties requests the tests. The federal government would pay 90 percent of these costs in AFDC cases. In non-AFDC cases, the costs would be recovered from the noncustodial parent. This provision would be effective Nov. 1.
3. Income withholding would be made automatic and immediate for all new and modified orders enforced by DSS after November 1990 and for all new child support orders after January 1, 1994. Presently, withholding begins when the parent is 30 days in arrears. This provision would be effective Oct. 1. This provision was deleted by the House Judiciary Committee.
4. Parents of children under the age of 3 would be exempt from participation in the Work Support Program. Presently, parents can be exempted if the child is under the age of 6. The purpose of this program is to get AFDC families off public assistance and financially independent by requiring that they participate in training, education and job-search activities. The effective date would be Oct. 1.

## **Bills Still Before the House**

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*The following bills are still pending before the House, either in committee or on the House calendar.*

### **Bottle Bill**

*H.3618, referred to House Agriculture and Natural Resources*

To encourage less littering and more recycling, this legislation would establish the parameters for redeeming and recycling beverage containers. Under this bill, each beverage container offered for sale in South Carolina would have a refund value of five cents or more. All containers must have their refund values affixed to them. To encourage reusable containers of uniform specifications to ease recycling, the ABC Commission would certify containers.

The bill would provide for the creation of redemption centers to promote the return and recycling of the containers.

Penalties for violating these provisions also are included in the bill.

### **Freshwater Wetlands Protection**

*H.3220, referred to House Agriculture and Natural Resources.*

This lengthy legislation would regulate the use of the state's freshwater wetlands. Permits, issued by the state Water Resources Commission, would be required for any activity in a wetlands protected area except for exemptions outlined in the bill. These exemptions include, in part, normal farming activities, normal silviculture (forestry) activities, routine maintenance of state-owned roads, duck blinds, any emergency activity, and installation of utility lines, among others. The bill outlines the procedures the Water Resources Commission must follow when approving or denying permitting applications. Those violating this proposed statute would face up to six months of imprisonment and/or a \$5,000 fine for the first offense. Each subsequent offense would carry up to a year in jail and/or a \$10,000 fine. An inventory of the state's freshwater wetlands is directed by the bill. This law would take effect 90 days after signature by the governor, if enacted.



### Consolidated Governments

*H.3484, referred to House Judiciary.*

The intent of this bill is to provide a method of creating consolidated governments to fulfill the unique needs and demands of various county areas. This bill provides the enabling legislation setting out the procedure for counties, municipalities and other political subdivisions to provide for the joint administration of any function. This lengthy bill specifically prohibits the abolishment of any constitutional office by consolidation.

Under this bill, the county governing body would create a 12-member consolidated government charter commission to draw up the provisions of the consolidation. This commission could be created only upon the request of the county government or the petition of at least 10 percent of the county's registered voters.

The commission must complete its draft charter within a 12 month period. It would then be required to hold three public hearings and a countywide referendum on the issue. The charter would become effective if approved by a majority of the county's registered voters. However if the voters in the county seat or the largest city in the county reject the proposal, it is defeated. And if the referendum is approved countywide, but rejected by the voters in a municipality, the charter has no effect on that municipality.

### Lobbying Reform

*H.3534, referred to House Judiciary.*

This bill is an overhaul of current state laws on lobbying and lobbyists. Its purpose is to "publicly and regularly disclose ... the identity, expenditures and activities " of those who seek to influence state officials or employees in order to "preserve and maintain the integrity of the governmental policy making process."

The bill defines the term lobbyist. Those falling under the definition of lobbyist would be required to register with the State Ethics Commission within 15 days of employment as a lobbyist. A \$200 registration fee would be required of all lobbyists. This would be reduced to \$50 for those who lobby without salary or who do not spend money when lobbying.

A lobbyist list would be distributed to legislators, standing committees, study committees and state agencies. Each lobbyist would be required to keep records for five years listing who he lobbied for, how much he was paid to lobby by each client, and his total lobbying expenditures.

Annual activity reports would be filed by lobbyists with the Ethics Commission under this bill. State agencies would have to document their lobbying activities

The bill gives the Ethics Commission full authority to carry out the requirements of the bill, including investigation of complaints and subpoena powers. The commission also would have to develop all forms and issue identification cards for lobbyists. Falsifying information regarding lobbying activities would be a misdemeanor.

#### Helmet Law

*H.3079, referred to House Education and Public Works.*

Under this bill, anyone riding a motorcycle (or as the bill says a "two-wheeled motorized vehicle") must wear a helmet, and those driving must wear goggles or a face shield. Currently, the state helmet and goggles law applies only to riders under 21-years-old.

#### Presidential Straight Ticket Voting

*H.3198, referred to House Judiciary.*

This legislation would seek to correct the problem experienced by some voters during the last presidential election who voted a straight party ticket only to find out later it did not include the presidential candidates. This bill would require the straight party vote to include the offices of president and vice-president. Voters would still be able to vote individually for each office if they wished.

A presidential straight ticket provision was included in H.3088, the State-run Primary Bill. This provision was removed by the House before passage of H.3088 at the end of the session.

#### Folly Beach Exemption

*H.3245, recommitted to House Agriculture and Natural Resources.*

This bill seeks to exempt Folly Beach from the Beachfront Protection Act provisions. S.178, which also seeks to exempt Folly Beach, passed the Senate on April 13, 1989. This bill was referred to the House Agriculture and Natural Resources Committee.

#### Beach Management Trust Fund

*H.3084, on the House second reading contested calendar.*

This legislation would create in the state treasury the "Beach Management Trust Fund," overseen by an oversight committee.

Revenues for the funds would come from an additional one percent in accommodations tax in Beaufort, Charleston, Colleton, Georgetown and Horry counties. Seventy-five (75) percent of these new funds would go into the Beach Management Trust Fund, with the other 25 percent to be kept by the coastal counties where the collection was made.

Under this legislation, the state, through the Coastal Council, would determine critical eroding beaches in need of renourishment. With the approval of the Trust Fund Oversight Committee, the Coastal Council would use the Trust Fund to pay up to 60 percent of the cost of the renourishment, the local government paying the balance.

#### Child Education Savings Act

*H.3054, recommitted to House Ways and Means.*

This proposed act would allow the creation of a "Child's Education Savings Account." This account would be free from state taxation as long as it is used to pay for college education expenses. Any taxpayer contributing to such an account could take up to a \$3,000 state income tax deduction for contributions made to each account established. The child for whom the account is created must be a South Carolina resident and under 16-years-old. Disbursements from the account must be made to a college or university. Unqualified disbursements would be penalized.

#### Clean Indoor Air Act

*H.3303, referred to House Medical, Military, Public & Municipal Affairs.*

This bill would prohibit smoking, except in designated areas; in public indoor places, including schools; preschools; day care facilities; health care facilities, except private rooms; retail stores, including department and grocery stores; government buildings; elevators; food service establishments which seat 50 or more people; public transportation, except taxis; public theaters and auditoriums, and public laundry facilities. Violators would be guilty of a misdemeanor and face fines between \$10 and \$25.

### Highway Safety Bill

*H.3848, reported out by House Education and Public Works; referred to House Judiciary Committee.*

This lengthy bill is a follow-up to last year's Highway Safety Act. This bill would:

- Increase punishment for first offense DUI.
- Require mandatory blood/alcohol testing in fatal or serious accidents.
- Suspend the driver's license of teens 13 to 21 for one year for conviction of certain alcohol and drug-related offenses.
- Suspend the driver's license of adults over 21 convicted of buying beer or wine for persons under 21.
- Raise the minimum age for driver's license.
- Increase speeding fines.
- Increase magistrate's court jurisdiction to accommodate higher penalties.
- Increase the jurisdiction of municipal courts and recorders to allow increased fines and imprisonment for driving offenses.
- Increase penalties for uninsured vehicles and for those who knowingly present false evidence that a vehicle is insured.
- Increase penalties for people driving with suspended, cancelled or revoked licenses.
- Increase penalties for passing a stopped school bus.
- Make it a 6 point violation to drive through a lowered railroad crossing gate.
- Increase punishment for reckless driving and for reckless homicide.

### Pari-mutuel Sports Act

*H.3796, on the House second reading contested calendar.*

This bill, a companion to S.432, outlines the provisions of the South Carolina Pari-mutuel Sports Act, which proponents contend would enhance the economic development and tourism of the state. The bill would create an 8-member South Carolina Racing Commission to oversee pari-mutuel wagering activities in the state. The bill goes into great detail regarding the governing of horse and greyhound racing in South Carolina. How the betting itself must be conducted is also outlined in detail in the bill. County and state fairs would be allowed to conduct one race a year under this legislation. The bill includes the criminal penalties resulting from violations of the act.

The final section of the bill requires that a statewide referendum be conducted at the next general election to determine whether the voters favor pari-mutuel betting in connection with horse and greyhound races if the state receives a portion of the proceeds. The bill must receive a favorable referendum vote in order for it to go into effect.

#### Indigent Defense Services

*H.3522, on the House second reading contested calendar.*

This bill would establish the South Carolina Office of Indigent Defense Services, overseen by a commission by the same name. Among the duties of the Indigent Defense Services Office would be the development of guidelines for the delivery of indigent defense services statewide.

#### Shorter Legislative Session

*H.3383, on the House second reading contested calendar.*

This constitutional amendment would change the opening of the legislative session from the second Tuesday in January to the second Tuesday in February. It would also require the State Senate to have organizational sessions following elections, as the House now has.

#### Spousal Sexual Battery

*S.223, on the House second reading contested calendar.*

This bill defines spousal sexual battery, a charge that could be brought when spouses are living together. Under spousal sexual battery, the spouse's conduct must be reported within 45 days and testimony of a witness other than the battered spouse is required for conviction. A spouse may be convicted of criminal sexual conduct if the couple is living apart. This bill deletes language requiring court ordered separation. The incident must be reported within 45 days and a charge brought.

#### Campaign Disclosure

*H.3521, on the House second reading contested calendar.*

This legislation would overhaul the current laws relating to campaign disclosures and campaign practices. In addition to updating the official definition of a candidate for public office, the bill would institute more stringent reporting of campaign contributions and expenditures

## Bills Introduced

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*Here is a sampling of the bills introduced in the House during the past week. Not all the bills introduced are featured here. The bills are organized by the standing committees to which they were referred.*

### *Agriculture and Natural Resources Committee*

Infectious Waste Incineration (H.4097, Rep. McTeer). This bill mandates that incinerators handling more than 10 tons of infectious waste daily must dispose of all ashes in a lined landfill. Fees may not be increased to those disposing of noninfectious waste.

### *Medical, Military, Public and Municipal Affairs Committee*

State Board of Social Services (H.4105, Rep. Davenport). This bill suspends until Jan. 1, 1990 that section of the state law relating to the membership of the State Board of Social Services. Two members of the House and two from the Senate would be allowed to serve on this board from July 1989 until the January 1990 legislative session when the seats can be filled by House and Senate appointees. The law presently authorizes the governor to fill vacancies of unexpired terms.

Lead Substance Abatement (S.700, Sen. Peeler). This bill pertains to the "Lead Poisoning Prevention and Control Act." Some of the definitions of the act are updated and clarified in this legislation. The term "abate" is added and will mean "to render a dwelling, dwelling unit, or child care facility free of lead base substance hazards and lead bearing material hazards and make them permanently inaccessible using the best available technology as determined by the commissioner." The current law requires the removal, replacement and coverage of lead materials. This legislation would delete this requirement and mandate the abatement of hazardous lead substances.